

# SIGNIFICANT PANEL DECISIONS

August 2003 – July 2004

PAY, BENEFITS, AND  
PERFORMANCE AWARDS

Dept. of the Navy, U.S. Naval  
Air Station, Pensacola Navy  
Exchange, Pensacola, Florida  
and Local 1657, UFCWIU, AFL-  
CIO, Case No. 03 FSIP 169  
(April 23, 2004)

Issues: Increases in  
Employer contributions to  
employees' dental insurance  
premiums; value of gift  
certificates; and wages and/or  
bonuses; continuation of Legal  
Assistance Plan.

Department of the Air Force,  
Tyndall Air Force Base, Tyndall  
AFB, Florida and Local 3240,  
AFGE, AFL-CIO, Case No. 02 FSIP  
197 (June 25, 2003)

Issues: Wage benefits for  
non-appropriated fund employees  
and official time.

# UNION INSTITUTIONAL ISSUES

Department of Veterans  
Affairs, Washington, D.C. and  
UAN, AFL-CIO, Case No. 04 FSIP  
45 (July 1, 2004)

Issues: Travel and per diem  
for annual labor-management  
meeting, Union office space,  
official time for Union vice  
president.

Department of Justice, Federal  
Bureau of Prisons, Federal  
Correctional Institution,  
Tucson, Arizona and Local  
3955, AFGE, AFL-CIO, Case No.  
03 FSIP 132 (January 8, 2004)

Issue: Rotation of inmate  
system officers within the  
Inmate Systems Management  
Department.

# SMOKING POLICY

Department of the Navy,  
Norfolk Naval Shipyard,  
Portsmouth, Virginia and Local  
1, IFPTE, AFL-CIO, Case No. 03  
FSIP 184 (March 10, 2004)

Issue: Whether to ban smoking  
from the loading dock.

Department of the Treasury,  
Internal Revenue Service,  
Oklahoma City, Oklahoma and  
Chapter 45, NTEU, Case No. 04  
FSIP 29 (June 24, 2004)

Issue: Indoor smoking room and  
outdoor smoking areas.

TERMINATION OR  
ESTABLISHMENT OF  
ALTERNATIVE WORK  
SCHEDULES

Department of the Navy, Fleet  
Hospital Support Office,  
Williamsburg, Virginia and  
NAAIL, Local 1, Case No. 04  
FSIP 26 (June 10, 2004)

Issue: Implementation of a  
compressed work schedule.

Department of the Treasury,  
Internal Revenue Service,  
Washington, D.C. and NTEU,  
Case No. 03 FSIP 178 (June 16,  
2004)

Issues: Establishment of a  
Maxiflex Pilot Program.

DOJ, FBOP, Federal  
Correctional Institution,  
Estill, South Carolina and  
Local 3976, AFGE, AFL-CIO,  
Case No. 04 FSIP 63 (May 3,  
2004)

Issue: Termination of 4/10 CWS  
in Education/Vocational  
Training Department.

DOJ, FBOP, Western Regional  
Office, Dublin, California and  
Local 3584, AFGE, AFL-CIO,  
Case No. 03 FSIP 87 (October  
30, 2003)

Issue: Whether the employer's decision not to implement a 4-10 CWS is supported by evidence that it would likely cause an adverse agency impact.

# REDUCTIONS IN FORCE

Department of the Treasury,  
Internal Revenue Service,  
Washington, D.C. and National  
Treasury Employees Union, Case  
No. 04 FSIP 35 (July 21, 2004)

Issue: Implementation of a RIF  
in HQ and Field Site Mailrooms

SUCCESSOR CBA IMPASSES

Department of Defense, Defense  
Contract Audit Agency, Central  
Region, Irving, Texas and  
Local 3529, AFGE, AFL-CIO,  
Case Nos. 02 FSIP 200 & 208  
(December 17, 2003)

Issues: 32 articles in a  
successor collective  
bargaining agreement.

Department of Health and Human  
Services, Centers for Medicare  
and Medicaid Services,  
Baltimore, Maryland and Local  
1923, AFGE, AFL-CIO, Case No.  
02 FSIP 167 (May 10, 2004)

Issues: Numerous articles in  
a successor Master Labor  
Agreement.

UNIFORM AND DRESS CODE  
POLICIES

Department of Veterans  
Affairs, Chalmers P. Wylie VA  
Outpatient Clinic, Columbus,  
Ohio and Local 2031, AFGE,  
AFL-CIO, Case No. 04 FSIP 9  
(March 18, 2004)

Issue: Restrictions on  
workplace attire.

RESPONSES TO ORDERS TO  
SHOW CAUSE

Department of the Air Force,  
Headquarters Air Force  
Materiel Command, Wright-  
Patterson Air Force Base, Ohio  
and Council 214, AFGE, AFL-  
CIO, Case No 03 FSIP 175  
(March 23, 2004)

Issue: Use of smokeless  
tobacco in the workplace.

# DRUG-TESTING POLICY

Court Services and Offender  
Supervision Agency,  
Washington, D.C. and Local  
727, AFGE, AFL-CIO, Case No.  
04 FSIP 49 (July 6, 2004)

Issues: Drug testing policy:  
criteria for reasonable  
suspicion testing, testing for  
off-duty accidents, annotations  
on chain-of-custody form, urine  
specimens, and grievance  
procedure.

**FEDERAL SERVICE IMPASSES PANEL  
DECISIONS AND ORDERS  
AUGUST 2003 - JULY 2004**

1. Department of the Army, Combined Arms Center & Fort Leavenworth, Fort Leavenworth, Kansas and Local 738, AFGE, AFL-CIO, Case No. 03 FSIP 44 (August 5, 2003)

**Issue: Implementation of a reduction in force/business based action.**

2. Department of the Air Force, Dover Air Force Base, Dover AFB, Delaware and Local 1709, AFGE, AFL-CIO, Case No. 03 FSIP 92 (August 5, 2003)

**Issue: Advance notice for denial of official time**

3. Department of the Air Force, Elmendorf Air Force Base, Elmendorf AFB, Alaska and Local 1101, AFGE, AFL-CIO, Case No. 03 FSIP 93 (August 12, 2003)

**Issue: Establishment of compressed work schedules.**

4. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Waseca, Minnesota and Local 801, AFGE, AFL-CIO, Case No. 03 FSIP 79 (August 13, 2003)

**Issues: Identifying additional compressed work schedule positions and procedures to fill these positions.**

5. Equal Employment Opportunity Commission, Chicago District Office, Chicago, Illinois and Local 3504, AFGE, AFL-CIO, Case No. 03 FSIP 94 (August 20, 2003)

**Issue: Hours of work.**

6. Department of Labor, Washington, D.C. and Local 12, AFGE, AFL-CIO, Case No. 03 FSIP 59 (August 27, 2003)

**Issues: Ground rules for bargaining over a successor agreement.**

7. Department of Homeland Security, Border and Transportation Security Directorate, Bureau of Citizenship and Immigration Services, Texas Service Center, Dallas, Texas and Local 3377, AFGE, AFL-CIO, Case No. 03 FSIP 77 (August 27, 2003)

**Issue: Work-at-Home Program.**

8. Department of Justice, Federal Bureau of Prison, Federal Correctional Institution, El Reno, Oklahoma and, Local 171, AFGE, AFL-CIO, Case No. 03 FSIP 71 (October 30, 2003)

**Issue: Whether the employer's decision not to implement a 4-10 compressed work schedule is supported by evidence that it would likely cause an adverse agency impact.**

9. Department of Justice, Federal Bureau of Prisons, Western Regional Office, Dublin, California and Local 3584, AFGE, AFL-CIO, Case No. 03 FSIP 87 (October 30, 2003)

**Issue: Whether the employer's decision not to implement a 4-10 compressed work schedule is supported by evidence that it would likely cause an adverse agency impact.**

10. Department of Commerce, U.S. Patent and Trademark Office, Arlington, Virginia and Patent Office Professional Association, Case No. 03 FSIP 67 (November 4, 2003)

**Issue: Implementation of the Employer's Quality Initiatives program.**

11. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Big Spring, Texas and Local 3809, AFGE, AFL-CIO, Case No. 03 FSIP 111 (November 12, 2003)

**Issues: Off days under a 5-4/9 compressed work schedule, and other scheduling matters.**

12. Department of Housing and Urban Development, Region 9, San Francisco, California and Local 1450, National Federation of Federal Employees, Federal District 1, IAM&AW, AFL-CIO, Case No. 03 FSIP 54, (December 10, 2003)

**Issues: Maximum number of Union negotiators on official time during negotiations and the number of Union negotiators who receive payment for travel expenses and per diem allowances.**

13. Department of Commerce, U.S. Patent and Trademark Office, Arlington, Virginia and Patent Office Professional Association, Case No. 03 FSIP 108 (December 16, 2003)

**Issues: Numerous items regarding office consolidation and relocation.**

14. Department of Defense, Defense Contract Audit Agency, Central Region, Irving, Texas and Local 3529, AFGE, AFL-CIO, Case Nos. 02 FSIP 200 & 208 (December 17, 2003)

**Issues: Numerous articles in a successor collective bargaining agreement.**

15. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Tucson, Arizona and Local 3955, AFGE, AFL-CIO, Case No. 03 FSIP 132 (January 8, 2004)

**Issue: Rotation of inmate system officers within the Inmate Systems Management Department.**

16. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Florence, Colorado and Local 1300, AFGE, AFL-CIO, Case No. 03 FSIP 128 (January 15, 2004)

**Issue: Whether the employer's decision not to establish a 4-10 CWS is supported by evidence that the schedule would cause adverse agency impact.**

17. Department of the Navy, Norfolk Naval Shipyard, Portsmouth, Virginia and Local 1, International Federation of Professional and Technical Engineers, AFL-CIO, Case No. 03 FSIP 184 (March 10, 2004)

**Issue: Whether to ban smoking from the loading dock.**

18. Department of Veterans Affairs, Chalmers P. Wylie VA Outpatient Clinic, Columbus, Ohio and Local 2031, AFGE, AFL-CIO, Case No. 04 FSIP 9 (March 18, 2004)

**Issue: Restrictions on workplace attire.**

19. Social Security Administration, Daly City Field Office, Daly City, California and Local 3172, AFGE, AFL-CIO, Case No. 03 FSIP 152 (March 23, 2004)

**Issue: Consumption of food and beverages in the new Interactive Video Training room.**

20. Department of the Air Force, Headquarters Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio and Council 214, AFGE, AFL-CIO, Case No 03 FSIP 175 (March 23, 2004)

**Issue: Use of smokeless tobacco in the workplace.**

21. Department of the Navy, U.S. Naval Air Station, Pensacola Navy Exchange, Pensacola, Florida and Local 1657, United Food and Commercial Workers, International Union, AFL-CIO, Case No. 03 FSIP 169 (April 23, 2004)

**Issues: Increase in Employer contributions to employees' dental insurance premiums; increase in the value of gift certificates; whether to continue the Legal Assistance Plan; and whether to increase employees' wages and/or bonuses.**

22. Department of Health and Human Services, Public Health Service, Indian Health Service, Navajo Area Indian Health Service, Window Rock, Arizona and Local 1376, Laborers International Union of North America, AFL-CIO, Case No. 04 FSIP 19 (April 23, 2004)

**Issues: Payment of travel and per diem expenses, and impasse procedures.**

23. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Estill, South Carolina and Local 3976, AFGE, AFL-CIO, Case No. 04 FSIP 63 (May 3, 2004)

**Issue: Termination of 4/10 Compressed Work Schedule in Education/Vocational Training Department.**

24. Department of Health and Human Services, Center for Medicare and Medicaid Services, Baltimore, Maryland and Local 1923, AFGE, AFL-CIO, Case No. 02 FSIP 167 (May 10, 2004)

**Issues: Numerous articles in a successor collective bargaining agreement.**

25. Social Security Administration, Office of Hearings and Appeals, Newark, New Jersey and Local 797, American Federation of Government Employees, AFL-CIO, Case No. 03 FSIP 131 (June 8, 2004)

**Issues: Selection procedures and design of new office spaces.**

26. Department of the Navy, Fleet Hospital Support Office, Williamsburg, Virginia and National Association of Independent Labor, Local 1, Case No. 04 FSIP 26 (June 10, 2004)

**Issue: Implementation of a compressed work schedule.**

27. Department of the Treasury, Internal Revenue Service, Washington, D.C. and National Treasury Employees Union, Case No. 03 FSIP 178 (June 16, 2004)

**Issues: Establishment of a Maxiflex Pilot Program.**

28. Department of Commerce, Patent and Trademark Office, Arlington, Virginia and Chapter 243, National Treasury Employees Union, Case No. 03 FSIP 162 (June 17, 2004)

**Issue: Daily and hourly parking rates.**

29. Department of the Treasury, Internal Revenue Service, Oklahoma City, Oklahoma and Chapter 45, National Treasury Employees Union, Case No. 04 FSIP 29 (June 24, 2004)

**Issue: Indoor smoking room and outdoor smoking areas.**

30. Department of the Treasury, Office of Chief Counsel, Washington, D.C. and National Treasury Employees Union, Case No. 04 FSIP 5 (June 30, 2004)

**Issues: Hours of work, performance awards, details, and bar dues for attorneys.**

31. Department of Veterans Affairs, Washington, D.C. and United American Nurses, AFL-CIO, Case No. 04 FSIP 45 (July 1, 2004)

**Issues: Travel and per diem for annual labor-management meeting, Union office space, official time for Union vice president.**

32. Court Services and Offender Supervision Agency, Washington, D.C. and Local 727, American Federation of Government Employees, AFL-CIO, Case No. 04 FSIP 49 (July 6, 2004)

**Issues:** Drug testing policy, including criteria for reasonable suspicion testing, testing for off-duty accidents, annotations on chain-of-custody form, urine specimens, and grievance procedure.

33. Department of Agriculture, Grain Inspection Packers and Stockyards Administration, Washington, DC and National Council of Federal Grain Inspection Locals, American Federation of Governments, AFL-CIO, Case No. 04 FSIP 41 (July 12, 2004)

**Issues:** Ground rules for negotiations over successor national collective bargaining agreement.

34. Environmental Protection Agency, Region 2, New York, New York and Local 3911, American Federation of Government Employees, AFL-CIO, Case No. 04 FSIP 76 (July 19, 2004)

**Issue:** Method of accounting for the time and attendance of employees on 4/10 CWSS.

35. Department of the Treasury, Internal Revenue Service, Washington, D.C. and National Treasury Union, Case No. 04 FSIP 35 (July 21, 2004)

**Issue:** Reduction in Force.

36. Department of the Treasury, Office of Chief Counsel, Plantation, Florida and Chapter 93, National Treasury Employees Union, Case No. 04 FSIP 62 (July 21, 2004)

**Issue:** Dimensions of paralegals' workstations.

Department of the Army, Letterkenny Army Depot, Chambersburg, Pennsylvania and Local 1429, NFFE, Federal District 1, IAM&AW, AFL-CIO, Case No. 04 FSIP 42 (April 28, 2004), the Panel directed the parties to resolve their dispute through mediation-arbitration, whereby Member Cruz was granted authority to (1) mediate with respect to the outstanding issues and (2) issue a binding decision on any that remained unresolved. When mediation efforts failed to result in a settlement of the dispute, a hearing was conducted and an Arbitrator's Opinion and Decision was issued resolving the matter.

**Issue:** Unpaid lunch breaks during 8-hour weekend overtime assignments.